

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2523

Introduced by Assembly Member Eng

February 19, 2010

An act to amend Sections 3099.2 and 3099.4 of the Labor Code, relating to apprenticeship.

LEGISLATIVE COUNSEL'S DIGEST

AB 2523, as amended, Eng. Apprenticeship: electricians.

Existing law requires the certification of electricians by the Division of Apprenticeship Standards, except as specified. ~~Existing law establishes the certification date applicable to certain individuals for the purpose of any continuing education or recertification requirement.~~

~~This bill would prohibit an individual who does not satisfy an applicable continuing education requirement from taking the certification examination for one year after the deadline for satisfying that requirement.~~

Existing law allows the chief of the division to approve an apprenticeship program under specified circumstances.

This bill would require that continuing education instruction by an entity that is not approved by the chief of the division as described above be provided under the jurisdiction of the State Department of Education or the Board of Governors of the California Community Colleges.

Existing law allows an uncertified person to perform electrical work for which certification is required if certain requirements are met,

including that the person has completed or is enrolled in a curriculum of classroom instruction approved by the electrician certification curriculum committee and provided under the jurisdiction of the State Department of Education, the Board of Governors of the California Community Colleges, or the Bureau for Private Postsecondary and Vocational Education.

This bill would ~~instead require that instruction under the curriculum of classroom instruction discussed above, if not provided by an entity approved by the chief of the division, be provided under the jurisdiction of the State Department of Education or the Board of Governors of the California Community Colleges~~ *by an eligible educational provider, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3099.2 of the Labor Code is amended to
2 read:
3 3099.2. (a) (1) Persons who perform work as electricians shall
4 become certified pursuant to Section 3099 by the deadline specified
5 in this subdivision. After the applicable deadline, uncertified
6 persons shall not perform electrical work for which certification
7 is required.
8 (2) The deadline for certification as a general electrician or
9 fire/life safety technician is January 1, 2006, except that persons
10 who applied for certification prior to January 1, 2006, have until
11 January 1, 2007, to pass the certification examination. The deadline
12 for certification as a residential electrician is January 1, 2007, and
13 the deadline for certification as a voice data video technician or a
14 nonresidential lighting technician is January 1, 2008. The California
15 Apprenticeship Council may extend the certification date for any
16 of these three categories of electricians up to January 1, 2009, if
17 the council concludes that the existing deadline will not provide
18 persons sufficient time to obtain certification, enroll in an
19 apprenticeship or training program, or register pursuant to Section
20 3099.4.
21 (3) (A) For purposes of any continuing education or
22 recertification requirement, an individual who becomes certified
23 prior to the deadline for certification shall be treated as having

1 become certified on the first anniversary of his or her certification
2 date that falls after the certification deadline. ~~An individual who~~
3 ~~does not satisfy an applicable continuing education requirement~~
4 ~~shall not take the certification examination for one year after the~~
5 ~~deadline for satisfying that requirement.~~

6 (B) Continuing education instruction by an entity that is not
7 approved by the Chief of the Division of Apprenticeship Standards
8 pursuant to subdivision (a) of Section 3075 shall be provided under
9 the jurisdiction of the State Department of Education or the Board
10 of Governors of the California Community Colleges.

11 (b) (1) Certification is required only for those persons who
12 perform work as electricians for contractors licensed as class C-10
13 electrical contractors under the Contractors' State License Board
14 Rules and Regulations.

15 (2) Certification is not required for persons performing work
16 for contractors licensed as class C-7 low voltage systems or class
17 C-45 electric sign contractors as long as the work performed is
18 within the scope of the class C-7 or class C-45 license, including
19 incidental and supplemental work as defined in Section 7059 of
20 the Business and Professions Code, and regardless of whether the
21 same contractor is also licensed as a class C-10 contractor.

22 (3) Certification is not required for work performed by a worker
23 on a high-voltage electrical transmission or distribution system
24 owned by a local publicly owned electric utility, as defined in
25 Section 224.3 of the Public Utilities Code; an electrical corporation,
26 as defined in Section 218 of the Public Utilities Code; a person,
27 as defined in Section 205 of the Public Utilities Code; or a
28 corporation, as defined in Section 204 of the Public Utilities Code;
29 when the worker is employed by the utility or a licensed contractor
30 principally engaged in installing or maintaining transmission or
31 distribution systems.

32 (c) The division shall establish separate certifications for general
33 electrician, fire/life safety technician, residential electrician, voice
34 data video technician, and nonresidential lighting technician.

35 (d) Notwithstanding subdivision (a), certification is not required
36 for registered apprentices performing electrical work as part of an
37 apprenticeship program approved under this chapter, a federal
38 Office of Apprenticeship program, or a state apprenticeship
39 program authorized by the federal Office of Apprenticeship. An
40 apprentice who is within one year of completion of his or her term

1 of apprenticeship shall be permitted to take the certification
2 examination and, upon passing the examination, shall be certified
3 immediately upon completion of the term of apprenticeship.

4 (e) Notwithstanding subdivision (a), certification is not required
5 for any person employed pursuant to Section 3099.4.

6 (f) Notwithstanding subdivision (a), certification is not required
7 for a nonresidential lighting trainee (1) who is enrolled in an
8 on-the-job instructional training program approved by the Chief
9 of the Division of Apprenticeship Standards pursuant to Section
10 3090, and (2) who is under the onsite supervision of a
11 nonresidential lighting technician certified pursuant to Section
12 3099.

13 (g) Notwithstanding subdivision (a), the qualifying person for
14 a class C-10 electrical contractor license issued by the Contractors'
15 State License Board need not also be certified pursuant to Section
16 3099 to perform electrical work for that licensed contractor or to
17 supervise an uncertified person employed by that licensed
18 contractor pursuant to Section 3099.4.

19 (h) Commencing July 1, 2009, the following shall constitute
20 additional grounds for disciplinary proceedings, including
21 suspension or revocation of the license of a class C-10 electrical
22 contractor pursuant to Article 7 (commencing with Section 7090)
23 of Chapter 9 of Division 3 of the Business and Professions Code:

24 (1) The contractor willfully employs one or more uncertified
25 persons to perform work as electricians in violation of this section.

26 (2) The contractor willfully fails to provide the adequate
27 supervision of uncertified workers required by paragraph (3) of
28 subdivision (a) of Section 3099.4.

29 (3) The contractor willfully fails to provide adequate supervision
30 of apprentices performing work pursuant to subdivision (d).

31 (i) The Chief of the Division of Apprenticeship Standards shall
32 develop a process for referring cases to the Contractors' State
33 License Board when it has been determined that a violation of this
34 section has likely occurred. On or before July 1, 2009, the chief
35 shall prepare and execute a memorandum of understanding with
36 the Registrar of Contractors in furtherance of this section.

37 (j) Upon receipt of a referral by the Chief of the Division of
38 Apprenticeship Standards alleging a violation under this section,
39 the Registrar of Contractors shall open an investigation. Any
40 disciplinary action against the licensee shall be initiated within 60

1 days of the receipt of the referral. The Registrar of Contractors
2 may initiate disciplinary action against any licensee upon his or
3 her own investigation, the filing of any complaint, or any finding
4 that results from a referral from the Chief of the Division of
5 Apprenticeship Standards alleging a violation under this section.
6 Failure of the employer or employee to provide evidence of
7 certification or trainee status shall create a rebuttable presumption
8 of violation of this provision.

9 (k) For the purposes of this section, “electricians” has the same
10 meaning as the definition set forth in Section 3099.

11 SEC. 2. Section 3099.4 of the Labor Code is amended to read:

12 3099.4. (a) After the deadline for certification, an uncertified
13 person may perform electrical work for which certification is
14 required under Section 3099 in order to acquire the necessary
15 on-the-job experience for certification, if all of the following
16 requirements are met:

17 (1) The person is registered with the Division of Apprenticeship
18 Standards. A list of current registrants shall be maintained by the
19 division and made available to the public upon request.

20 (2) The person either has completed or is enrolled in an approved
21 curriculum of classroom instruction: *provided by one of the*
22 *following:*

23 (A) *A community college.*

24 (B) *A state or federal apprenticeship program approved to*
25 *provide electrical training.*

26 (C) *A public school district or public educational institution.*

27 (D) *A state-licensed private postsecondary institution that is*
28 *either under contract with a public educational institution or*
29 *approved and registered with the Bureau for Private Postsecondary*
30 *Education.*

31 (3) The employer attests that the person shall be under the direct
32 supervision of an electrician certified pursuant to Section 3099
33 who is responsible for supervising no more than one uncertified
34 person. An employer who is found by the division to have failed
35 to provide adequate supervision may be barred by the division
36 from employing uncertified individuals pursuant to this section in
37 the future.

38 (b) For purposes of this section, an “approved curriculum of
39 classroom instruction” means a curriculum of classroom instruction
40 approved by the electrician certification curriculum committee

1 established pursuant to paragraph (6) of subdivision (a) of Section
2 3099. ~~Instruction by an entity that is not approved by the Chief of~~
3 ~~the Division of Apprenticeship Standards pursuant to subdivision~~
4 ~~(a) of Section 3075 shall be provided under the jurisdiction of the~~
5 ~~State Department of Education or the Board of Governors of the~~
6 ~~California Community Colleges.~~

7 (c) The curriculum committee may grant approval to an
8 educational provider that presently offers only a partial curriculum
9 if the educational provider intends in the future to offer, or to
10 cooperate with other educational providers to offer, a complete
11 curriculum for the type of certification involved. The curriculum
12 committee may require an educational provider receiving approval
13 for a partial curriculum to periodically renew its approval with the
14 curriculum committee until a complete curriculum is offered and
15 approved. A partial curriculum means a combination of classes
16 that do not include all classroom educational components of the
17 complete curriculum for one of the categories of certification
18 established in accordance with subdivision (c) of Section 3099.2.

19 (d) An educational provider that receives approval for a partial
20 curriculum must disclose in all communications to students and
21 to the public that the educational provider has only received
22 approval for a partial curriculum and shall not make any
23 representations that the provider offers a complete approved
24 curriculum of classroom instruction as established by subparagraph
25 (A) of paragraph (6) of subdivision (a) of Section 3099.

26 (e) For purposes of this section, a person is “enrolled” in an
27 approved curriculum of classroom instruction if the person is
28 attending classes on a full-time or part-time basis toward the
29 completion of an approved curriculum.

30 (f) Registration under this section shall be renewed annually
31 and the registrant shall provide to the division certification of the
32 classwork completed and on-the-job experience acquired since the
33 prior registration.

34 (g) For purposes of verifying the information provided by a
35 person registered with the division, an educational provider of an
36 approved curriculum of classroom instruction shall, upon the
37 division’s request, provide the division with information regarding
38 the enrollment status and instruction completed by a person
39 registered. By registering with the division in accordance with this
40 section, a person consents to the release of this information.

1 (h) The division shall establish registration fees necessary to
2 implement this section, not to exceed twenty-five dollars (\$25) for
3 the initial registration. There shall be no fee for annual renewal of
4 registration. Fees collected are continuously appropriated in an
5 amount sufficient to administer this section and that amount may
6 be expended by the division for this purpose.

7 (i) The division shall issue regulations to implement this section.

8 (j) For purposes of Section 1773, persons employed pursuant
9 to this section do not constitute a separate craft, classification, or
10 type of worker.

11 (k) Notwithstanding any other provision of law, an uncertified
12 person who has completed an approved curriculum of classroom
13 instruction and is currently registered with the division may take
14 the certification examination. The person shall be certified upon
15 passing the examination and satisfactorily completing the requisite
16 number of on-the-job hours required for certification. A person
17 who passes the examination prior to completing the requisite hours
18 of on-the-job experience shall continue to comply with subdivision
19 (f).